

REMARKS

In response to the Office Action mailed on January 11, 2008, Applicants respectfully requests reconsideration. Claims 1-3, 5-10, 12-14, 16-19, and 21-26 are now pending in this Application. Claims 1, 8, 12 and 18 are independent claims and the remaining claims are dependent claims. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

The Examiner rejected claims 1-7 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description. Applicants respectfully disagree with the Examiner's position. Support for the phrase "a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required." is supported throughout the specification, for example at paragraph 10. Accordingly, the rejection of claims 1-7 under 35 U.S.C. §112, first paragraph, should be removed.

Claims 1, 3, and 5-7 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent Publication No. 2003/0161340 to Sherman (hereinafter Sherman) in view of U.S. Patent Publication No. 2004/0120292 to Trainin (hereinafter Trainin) and further in view of U.S. Patent No. 6,289,482 to Joshi et al. (hereinafter Joshi).

It is well established in Patent law that for a 35 U.S.C. §102 rejection, all the elements of a claim must be shown in a single reference. Thus, the Examiner's attempt to combine references to make a §102 rejection is improper, and the rejection should be removed.

Claim 23 was rejected under 35 U.S.C. §102(e) as being unpatentable over Sherman in view of Trainin and further in view of Joshi and further in view of MPEP2144.03. Again, it is well established in Patent law that for a 35 U.S.C. §102 rejection, all the elements of a claim must be shown in a single reference. Thus, the Examiner's attempt to combine references to make a §102 rejection is improper, and the rejection should be removed.

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Trainin further in view of Joshi and further in view of U.S. Patent Publication No. 2002/0118667 to Chintada et al. (hereinafter Chintada).

The Examiner stated that Joshi inherently includes acknowledgements for every frame regardless of acknowledgement requirements at column 5, lines 12-29. Applicants respectfully disagree. A careful review of Joshi at column 5, lines 12-29 discloses sending 15 messages without waiting for acknowledgement. Further, at column 4, lines 24-28, Joshi discloses the wireless transceiver can with acknowledgement of a single lost frame, a frame without acknowledgement. Thus, Joshi fails to disclose or suggest “following a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required.” since Joshi discloses frames without acknowledgments. Accordingly, claim 2 is believed allowable.

The Examiner rejected claims 8, 10, 18 and 21-22 as being unpatentable over Sherman further in view of Joshi in view of U.S. Patent Publication No. 2004/0037320 to Dickson (hereinafter Dickson).

Claims 8 and 18 contain similar language as claim 1 with respect to “following a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required.” For the same reasons argues in the preceding paragraph, neither of Sherman, Joshi or Dickson disclose “following a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required.”, therefore claims 8 and 18 are also believed allowable.

The Examiner rejected claim 24 as being unpatentable over Sherman in view of Dickson further in view of Joshi and further in view of MPEP 2144.03. Claim 24 depends from claim 8 and is believed allowable as it depends from a base claim which is believed allowable.

Claims 9 and 19 were rejected as being unpatentable over Sherman in view of Dickson further in view of Joshi and further in view of Chintada. Claims

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9 and 19 depend from claim 8 or 18 and are believed allowable as they depend from a base claim which his believed allowable.

The Examiner rejected claim 25 as being unpatentable over Sherman in view of Trainin further in view of Joshi and further in view of MPEP 2144.03. Claim 25 depends from claim 12 and is believed allowable as it depends from a base claim which his believed allowable.

The Examiner rejected claim 26 as being unpatentable over Sherman in view of Dickson further in view of Joshi and further in view of Chintada and further in view of MPEP 2144.03. Claim 26 depends from claim 18 and is believed allowable as it depends from a base claim which his believed allowable.

The Examiner failed to provide any rejection of claims 12-14 and 16-19, therefore these claims are believed allowable.

In view of the above, the Examiner's objections and rejections are believed to have been overcome. placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully submitted.

Applicants hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/DWR/

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